

EXHIBIT D

From: [Richard Lerner](#)
To: [Webster McBride](#)
Cc: [Judd Grossman](#); [Lindsay E. Hogan](#); [Nina Edelman](#); [Wendy Lindstrom](#); [Gregory Clarick](#); [Aaron Crowell](#); [Ashley Hall](#); [Richard Lerner](#)
Subject: RE: Athena v. Humidity, In Rem, 20-cv-04669 (GBD) (VF)
Date: Saturday, May 14, 2022 10:54:26 AM
Attachments: [Athena Responses to SIL 1st Document Requests.pdf](#)

Dear Webster,

Regarding your letter of May 11, 2022, in which you state that our firm did not submit written objections to Satfinance's February 19, 2021 discovery demands, it appears that there was an inadvertent failure to forward to you the objections, so we are forwarding herewith the attached. Thank you for bringing this oversight to our attention. As you know, we made our initial voluminous document production to Satfinance and Delahunty in April and May, 2021. Thereafter, Satfinance made follow-up requests for documents on July 8, 2021. You indicate that there was no objection to those demands either; however, our records reflect that we did indeed object, by email dated August 30, 2021, 10:55pm.

While your letter states that the adjournment of Ms. Sachs' deposition related to "glaring" production deficiencies identified in June, 2021, Athena not only produced hundreds of additional pages in October and November, 2021, but further, your letter of May 5, 2022 identified two specific categories of documents for Athena to produce before Ms. Sachs' deposition – which documents Athena promptly produced on May 10, 2022. We are therefore somewhat at a loss to understand the sudden assertion of glaring deficiencies the day Ms. Sachs' deposition was to take place.

While there have been delays on all sides in responding to discovery demands (as you yourself acknowledge in the below email chain), and each side has been considerate of the fact that the documents needed to be compiled and reviewed before disclosure, we trust that you will accept the attached *nunc pro tunc*, particularly given the timing of these asserted deficiencies.

We will follow up regarding the substantive discovery issues raised in your letter under separate cover.

Best,

Rich



Richard E. Lerner

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From: Webster McBride <wmcbride@grossmanllp.com>
Sent: Friday, May 13, 2022 3:38 PM
To: Nina Edelman <Nina@mazzolalindstrom.com>; Wendy Lindstrom <wendy@mazzolalindstrom.com>; Richard Lerner <Richard@mazzolalindstrom.com>; Gregory Clarick <gclarick@cgr-law.com>; Aaron Crowell <acrowell@cgr-law.com>; Ashley Hall <ahall@cgr-law.com>
Cc: Judd Grossman <jgrossman@grossmanllp.com>; Lindsay E. Hogan <lhogan@grossmanllp.com>
Subject: RE: Athena v. Humidity, In Rem, 20-cv-04669 (GBD) (VF) - Santander Bank N.A. Production

Hi Nina –

The email on April 20; the rest of them on April 25. (Apparently, Santander’s “Court Order and Request Unit” did not receive SIL’s UK counsel’s letter serving the UK High Court’s Order until mid-March.) We apologize for the inadvertent delay in circulating them.

Best,
Webster

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From: Nina Edelman <Nina@mazzolalindstrom.com>
Sent: Friday, May 13, 2022 1:23 PM
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Subject: RE: Athena v. Humidity, In Rem, 20-cv-04669 (GBD) (VF) - Santander Bank N.A. Production

Webster –

When were these documents received by SIL?

Thanks,
Nina

From: Webster McBride <wmcbride@grossmanllp.com>
Sent: Friday, May 13, 2022 1:17 PM
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Subject: Athena v. Humidity, In Rem, 20-cv-04669 (GBD) (VF) - Santander Bank N.A. Production

Counsel:

Please see the below link to a folder of documents produced by Santander Bank, N.A. (pursuant to Judge Freeman's 11/10/21 Letter of Request and the English High Court's 1/15/22 Disclosure Order), as relayed to us by local UK counsel.

<https://app.box.com/s/4g5sqrc0c1gt3n40sh34kt58bgehgvqe>

The password to access the files is: INIGO2022

Best,
Webster

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